

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3752 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

SANDHYA COOP HSG SOC LTD

Versus

DIST REGISTRAR

Appearance:

MR AVINASH K MANKAD for Petitioners

MR D.N.PATEL, I/C GP for Respondent No. 1, 2

CORAM : MR.JUSTICE J.N.BHATT

Date of decision: 24/06/1999

ORAL JUDGEMENT

In this petition under Article 227 of the Constitution of India, the petitioner has challenged the action of the respondent authority for winding up the petitioner society without giving an opportunity of hearing to the petitioning society. The order came to be recorded for winding up under section 107 of the Gujarat Societies Act, 1961 (Act). When the matter was called out, learned Government Pleader Mr Patel, fairly, pointed out that in

view of the Division Bench decision of this Court in Apexa Co-op. Bank Ltd vs. District Registrar, 1993 (2) GLH, 861, the impugned order of winding up is required to be quashed since it has been passed under section 107 of the Act without giving an opportunity of hearing to the petitioning society.

In view of the aforesaid decision and fair statement, the petition is allowed. The impugned orders are quashed and set aside. However, it will be open for the respondent authorities to pass appropriate order after affording an opportunity of hearing to the society. Rule is made absolute to the aforesaid extent. No costs.

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